

ROBERT L. CLAY

IBLA 82-1067

Decided September 15, 1982

Appeal from decision of Alaska State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer. AA-5590.

Affirmed.

1. Oil and Gas Leases: Applications: 640-acre Limitation

BLM may properly reject a noncompetitive oil and gas lease offer for less than 640 acres where the land is not within an approved unit or cooperative plan of operation or surrounded by lands unavailable for leasing.

APPEARANCES: Robert L. Clay, pro se.

OPINION BY ADMINISTRATIVE JUDGE BURSKI

Robert L. Clay has appealed from a decision of the Alaska State Office, Bureau of Land Management (BLM), dated June 30, 1982, rejecting his noncompetitive oil and gas lease offer, AA-5590.

On March 6, 1969, appellant filed a noncompetitive oil and gas lease offer for "[a]ll available land" in secs. 3 and 10, T. 2 S., R. 12 E., Seward meridian, Alaska, totaling 320 acres, pursuant to section 17 of the Mineral Leasing Act, as amended, 30 U.S.C. § 226 (1976). In its June 1982 decision, BLM rejected appellant's offer because the offer was made for less than 640 acres, as required by 43 CFR 3110.1-3(a), and the land was not within an approved unit or cooperative plan of operation or surrounded by lands unavailable for leasing.

In his statement of reasons for appeal, appellant contends that fairness dictates that an oil and gas lease be issued, especially as he was "not informed that it was necessary to file on 640 acres." 1/

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1/ Appellant notes that BLM "waited all these years" before rejecting his oil and gas lease offer. The record indicates that appellant was informed by notice dated May 19, 1969, that consideration of his offer was being suspended pending resolution of Native protest AA-648. There is no indication

[1] It is well established that a noncompetitive oil and gas lease offer may not be made for less than 640 acres, subject to certain exceptions. Boesche v. Udall, 373 U.S. 472 (1963); Douglas R. Willson, 52 IBLA 246 (1981); Annie Dell Wheatley, 62 I.D. 292 (1955). The 640-acre rule is currently embodied in 43 CFR 3110.1-3(a), which provides:

No offer may be made for less than 640 acres except where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation or such a plan has been approved as to form by the Director of the Geological Survey or where the land is surrounded by lands not available for leasing under the Act.

There is no evidence that appellant's offer satisfies either of the exceptions. Accordingly, as appellant only filed for 320 acres, we must conclude that BLM properly rejected that oil and gas lease offer. Douglas R. Willson, *supra*. 2/

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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James L. Burski  
Administrative Judge

We concur:

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C. Randall Grant, Jr.  
Administrative Judge

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Wm. Philip Horton  
Administrative Judge  
Alternate Member

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fn. 1 (continued)

when that protest was resolved. In any case, the delay in adjudicating appellant's rights under oil and gas lease offer AA-5590 does not entitle appellant to a lease.

2/ Moreover, appellant's ignorance of the law is irrelevant. He is presumed to have knowledge of relevant statutes and, as in this case, duly promulgated regulations. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Marvin E. Nukala, 64 IBLA 313 (1982).

